

AO 91 (Rev. 11/11) Criminal Complaint

United States Courts

Southern District of Texas

UNITED STATES DISTRICT COURT

FILED

for the

December 01, 2018

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America

v.

OVANDO-Rosas, Jose Alfonso, YOB: 1991, MEX
CASTRO-Martinez, Cristian, YOB: 1993, MEX

Case No.

M-18-2464-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 30, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C., 841 (a)(1)

Knowingly and Intentionally Possess with Intent to Distribute approx. 105.5 kilograms of marijuana, a Schedule I Controlled Substance

21 U.S.C., 846

Knowingly and Intentionally Conspire to possess with Intent to Distribute approx. 105.5 kilograms of marijuana, a Schedule I Controlled Substance

This criminal complaint is based on these facts:

See Attachment "A".

☒ Continued on the attached sheet.

Complainant's signature

Alfonso Perez Jr., DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/01/2018

Judge's signature

City and state: McAllen, Texas

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

PC found
@ 11:39 AM

ATTACHMENT A

On November 30, 2018, at approximately 3:00 p.m., United States Border Patrol (USBP) agents responded to a camera activation with an image depicting one individual carrying what appeared to be a bundle of suspected narcotics on his back.

A USBP agent operating a camera was able to observe five male subjects near the railroad tracks, north of the Havana Church. The camera operators observed four of the five subjects, wearing dark clothing, carrying a bundle of suspected narcotics. USBP agents noticed that the subject that was guiding the group was not wearing dark clothing.

USBP agents responded to the area where the subjects were last seen by the camera operator. USBP agents were able to locate and arrest two individuals approximately 100 yards from the area where the narcotics were seized. The individuals were identified as Cristian CASTRO-Martinez, hereinafter referred to as CASTRO-Martinez and Jose Alfonso OVANDO-Rosas, hereinafter referred to as OVANDO-Rosas. Agents noticed that both CASTRO-Martinez and OVANDO-Rosas had visible strap marks on their shoulders from carrying the heavy marijuana bundles.

USBP agents transported CASTRO-Martinez and OVANDO-Rosas along with the four (4) bundles of marijuana to the McAllen Border Patrol Station for processing. The four (4) bundles weighed approximately 105.5 kilograms.

On this same date, DEA agents interviewed CASTRO-Martinez and OVANDO-Rosas separately. CASTRO-Martinez and OVANDO-Rosas were read their Miranda Warnings in the Spanish language and both waived their rights.

CASTRO-Martinez told agents that he had crossed illegally onto the United States along with other individuals carrying a large bundle of marijuana. CASTRO-Martinez further stated that he had agreed to carry the marijuana bundles as payment for being smuggled into the United States.

OVANDO-Rosas told agents that he had crossed illegally into the United States with a small group of individuals that had smuggled marijuana bundles into the United States, but that he had not carried any bundles of marijuana. OVANDO-Rosas's statement contradicted what USBP agents had observed. Furthermore, DEA agents noticed that OVANDO-Rosas was wearing dark clothing and had visible strap marks on his shoulders, caused by the heavy weight and the ropes that are used to secure the marijuana bundles.